

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

REALTIME DATA LLC d/b/a IXO,

Plaintiff,

v.

ECHOSTAR CORPORATION, HUGHES
NETWORK SYSTEMS, LLC,

Defendants.

Case No. 6:17-cv-00084-JDL

**Stipulation Regarding No Longer Asserted Patents And Resolution of
Defendants' Motion to Strike Dr. Wesel and Mr. Dell Expert Reports for
Purported Inclusion of Non-Infringing Products (Dkt. No. 170)**

Plaintiff Realtime Data, LLC d/b/a IXO (“Realtime”) and Defendants’ EchoStar Corporation and Hughes Network Systems, LLC, (“Hughes”) hereby stipulate as follows:

1. Realtime has voluntarily elected not to pursue any previously asserted claims of U.S. Patent Nos. 9,116,908, 7,378,992, 7,415,530, 8,643,513, 8,533,759, 7,358,867, and 8,717,204 at trial in this action.

2. Hughes has filed a Motion entitled Motion to Strike Dr. Wesel and Mr. Dell’s Expert Reports For Inclusion of Non-Infringing Products (Dkt. No. 170) (the “Motion”), which seeks to exclude, among other things, certain damages attached to the ’204 Patent.

3. Whereas, in light of Realtime’s election not to pursue the claims of the ’204 Patent, Realtime has agreed to serve a supplemental damages expert report as soon possible but in no event later than close of business on October 30, 2018, removing the damages associated with the ’204 Patent and the other products mentioned in Hughes’ motion.

Accordingly, the Parties HEREBY STIPULATE that the Motion is rendered moot in light of the above, and jointly request that the Court dismiss the Motion.

4. Nothing in this stipulation shall be construed as a waiver of any right by Hughes. Without limitation Hughes is not waiving any rights pursuant to Fed. R. Civ. P. 11, the doctrine of patent misuse and/or 35 U.S.C. § 285.

Dated: October 24, 2018

Respectfully submitted,

By: /s/ Paul A. Kroeger

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